

032904

13281 U.S. PTO

BROWDY AND NEIMARK, P.L.L.C.

ATTORNEYS AT LAW
PATENT AND TRADEMARK CAUSES

SUITE 300
624 NINTH STREET, N.W.
WASHINGTON, D. C. 20001-5303
TELEPHONE (202)-628-5197

ALVIN BROWDY (1917-1998)

PATENT AGENT
ALLEN C. YUN, PH.D.
TELECOPIER FACSIMILE
(202) 737-3528
(202) 393-1012

E-MAIL
mail@browdyneimark.com

SHERIDAN NEIMARK
ROGER L. BROWDY
ANNE M. KORNBAU
NORMAN J. LATKER
DIANA MICHELLE SOBO
AOI NAWASHIRO
HEIDI M. STRUSE, PH.D.

OF COUNSEL
IVER P. COOPER
JAY M. FINKELSTEIN

March 29, 2004

22856 U.S. PTO
10/810653

032904

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Re: New Continuation Patent Application in U.S.
Applicants: Michal EISENBACH-SCHWARTZ et al
Title: A METHOD FOR REDUCING NEURONAL DEGENERATION SO AS
TO AMELIORATE THE EFFECTS OF INJURY OR DISEASE
Atty's Docket: EIS-SCHWARTZ=2B

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☐ Application Data Sheet
- ☒ Specification (103 pages), claims (5 pages), abstract (1 page) and Sequence Listing (57)
- ☒ Thirty Sheets Drawings (Figures 1-25)
☒ FORMAL ☐ Informal
- ☒ Declaration and Power of Attorney (2 pages)
☐ Newly executed ☒ Copy from prior application no. 09/893,348
- ☒ The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed June 28, 2001, in application no. 09/893,348. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.
- ☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$385.00 to cover:
☒ The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 770.00
TOTAL CLAIMS	16 - 20	= 0	x 18	-
INDEPENDENT CLAIMS	2 - 3	= 0	x 86	-
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 290	--
<input checked="" type="checkbox"/> Reduction of 1/2 for Small Entity				\$385.00
TOTAL FILING FEE				\$385.00

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 86	
[]	Multiple Dependent Claim Presented			+ 290	
[]	Reduction by 1/2 for Small Entity				
Total Additional Fee =					

- ☐ Other Fees: _____.
- ☐ Other Attachments: _____.
- ☒ Return Receipt Postcard (in duplicate)


The following statements are applicable:

- ☐ Applicant hereby requests that this application **not** be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- ☒ The benefit under 35 USC §119 is claimed of the filing date of:
Application No. 124500 in Israel on May 19, 1998. A certified copy of said priority document was filed in parent PCT application No. PCT/US98/14715.
- ☒ The present application is a Continuation of prior Application Serial No. 09/893,348, filed June 28, 2001, itself a continuation-in-part of application Serial No. 09/314,161, filed May 19, 1999, which is a continuation-in-part of application No. PCT/US98/14715 filed July 21, 1998, and is a continuation-in-part of application Serial No. 09/218,277, filed December 22, 1998, now abandoned.
- ☒ Applicants hereby expressly state for the record that they do not wish to necessarily be bound to the election which was made in parent application no. 09/893,348. Claims to non-elected inventions in the parent case appear in the present application and it is requested that, if the examiner still believes restriction to be necessary, a restriction requirement be repeated in the present application so that applicants will have another opportunity to decide which group of claims they wish to elect for prosecution in the present application. If a group of claims other than those elected in the parent case is elected in the present application, then the designation of the present application as a continuation will be changed to that as a division.
- ☐ Amend the specification by inserting before the first line the sentence:
- ☐ --This is a continuation/division/continuation-in-part of copending parent application Serial No. ____, filed ____.--
- ☐ --The present application claims the benefit of U.S. Provisional Appln. No. 60/____, filed ____.--
- ☐ --The present application is the national stage under 35 U.S.C. §371 of international application _____ which designated the United States[, which international application was published under PCT Article 21(2) in English].--

- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. § 1.63(d)(2), please delete as inventor(s) the name(s) of _____, who is/are not inventor(s) in the present divisional application.
- ☒ The application is assigned to: YEDA RESEARCH AND DEVELOPMENT CO. LTD., whose address is Weizmann Institute of Science, P.O. Box 95, Rehovot, Israel, 76 100.
- ☐ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior applications _____, which are relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 09/893,348, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 
Roger L. Browdy
Registration No. 25,618

RLB:jec

G:\BN\B\BENA\EIS-SCHWARTZ2\B\PTO\Continuation Appln 29MAR04.doc